

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \*\*\*

4  
5 HSBC BANK USA, *et al.*,

6 Plaintiffs,

7 vs.

8 SCOTTSDALE PLACE HOMEOWNERS  
9 ASSOCIATION, *et al.*,

10 Defendants.

2:16-cv-02503-KJD-VCF

**ORDER**

11  
12 Before the Court is the motion to stay (ECF No. 22). No opposition has been filed. The time to  
13 file an opposition has passed. Under LR 7-2, the failure of an opposing party to file points and authorities  
14 in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees,  
15 constitutes a consent to the granting of the motion. Here, it would seem that Plaintiffs have consented to  
16 the granting of the instant motion.

17 A stay in this matter is appropriate pending The United States Supreme Court's consideration of  
18 petitions for certiorari in *Bourne Valley*, a decision which may have a significant effect on this case. *See*  
19 *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No. 15-15233, 2016 WL 4254983 (9th Cir. Aug. 12,  
20 2016).

21 A district court has the inherent power to stay cases to control its docket and promote the efficient  
22 use of judicial resources. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936); *Dependable Highway Exp.,*  
23 *Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). When determining whether to stay a case  
24 pending the resolution of another case, a district court must consider (1) the possible damage that may  
25

1 result from a stay, (2) any “hardship or inequity” that a party may suffer if required to go forward, (3)  
2 “and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof,  
3 and questions of law” that a stay will engender. *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir.  
4 2005).

5 In this case, the possible damage from a stay will be mitigated by not having to relitigate issues  
6 based on possible new ruling.

7 Accordingly, IT IS HEREBY ORDERED that the motion to stay (ECF No. 22) is GRANTED.

8 DATED this 10th day of May, 2017.

9 

10 CAM FERENBACH  
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25